

*Tammy*

Rec'd PCT/PTO 01 DEC 2005

#5

DEC 01 '05 03:57PM GLAXO WELLCOME

P. 1/12

## FAX



GlaxoSmithKline

To DO/EO/US  
.....  
Company USPTO  
.....  
Fax 571-273-3201  
.....  
From Patricia Wilson  
.....  
Tel 1-919-483-1007; Facsimile: 1-919-483-7988  
.....  
E-mail patricia.t.wilson@gsk.com  
.....  
Date December 1, 2005 Pages including cover 12  
.....  
Subject Response to Notification of Missing Requirements  
.....

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
www.gsk.com

Re: Application of THILLY et al.  
Serial No.: 10/524,886; Int'l. Appl. No.: PCT/EP03/09151  
Attorney Docket No. B45319USw

### Attached is:

1. Transmittal Letter (2<sup>nd</sup> and 3<sup>rd</sup> pages in duplicate) (5 pgs);
2. Declaration (2 pgs);
3. Change of Correspondence Address (1 pg);
4. Extension of time (1 pg);
5. Copy of Notification of Missing Requirements under 35 USC 371, date mailed 9/29/2005

### Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-3201) on December 1, 2005.

*Patty Wilson*  
Patty Wilson

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

DEC 01 '05 03:57PM GLAXO WELLCOME

P.2/12

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>B45319USW</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/524,886</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP03/09151</b>	INTERNATIONAL FILING DATE <b>August 15, 2003</b>	PRIORITY DATE CLAIMED <b>August 16, 2002</b>
TITLE OF INVENTION <b>CLOSURE SYSTEM FOR A VIAL, VIAL, METHOD OF CLOSING AND FILLING A VIAL AND STAND FOR A VIAL</b>		
APPLICANT(S) FOR DO/EO/US <b>Jacques THILLY, Christian VANDECASSERIE</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Express Mail Label No.</li> </ol>		

01/06/2006 THOLLAND 00000001 071392 10524866  
 01 FC:1617 130.00 DA  
 02 FC:1251 128.00 DA

DEC 01 '05 03:58PM GLAXO WELLCOME

P.3/12

PTO-1390 (Rev. 07-2005)  
 Approved for use through 3/31/2007. OMB 0851-0021  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (If known, see 37 CFR 1.5) <b>10/524,886</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/09151</b>		ATTORNEY'S DOCKET NUMBER <b>B45319USw</b>	
23. Other items or information: Change of Correspondence address Request for 2-month Extension of Time					
The following fees have been submitted:				<b>CALCULATIONS    PTO USE</b>	
24. <input type="checkbox"/> Basic national fee .....				\$300	\$ \$0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article as an International Searching Authority. .... \$0 All other situations. .... \$200				\$ \$0.00	
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... \$400 All other situations. .... \$500				\$ \$0.00	
<b>TOTAL OF 24, 25 and 26 =</b>				\$ \$0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(i)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$ \$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$ \$0.00	
Independent claims	- 3 =	0	x \$200.00	\$ \$0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ \$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ \$0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ \$0.00	
<b>SUBTOTAL =</b>				\$ \$0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ \$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ \$0.00	
Fees for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ \$0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ \$0.00	
				Amount to be	\$
				Amount to be	\$

REC'D PCTUS 01 DEC 2005

DEC 01 '05 03:58PM GLAXO WELLCOME

P.4/12

PTO-1390 (Rev. 07-2005)  
Approved for use through 3/31/2007, OMB 0851-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$ \$580.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NO. 23347

  
SIGNATURE

Virginia G. Campen

NAME

37,092

REGISTRATION NUMBER

1 Dec. 2005

DATE

DEC 01 '05 04:01PM GLAXO WELLCOME

Page 11/12

**COPY**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,886	Jacques Thilly	B45319

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP03/09151

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

08/15/2003

08/16/2002

20462  
SMITHKLINE BEECHAM CORPORATION  
CORPORATE INTELLECTUAL PROPERTY-US, UW2220  
P. O. BOX 1539  
KING OF PRUSSIA, PA 19406-0939

**CONFIRMATION NO. 2976**

**371 FORMALITIES LETTER**

OC000000017058726\*

Date Mailed: 09/29/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/16/2005
- Copy of the International Search Report filed on 02/16/2005
- Copy of IPE Report filed on 02/16/2005
- Copy of Annexes to the IPER filed on 02/16/2005
- Preliminary Amendments filed on 02/16/2005
- Information Disclosure Statements filed on 02/16/2005
- Request for Immediate Examination filed on 02/16/2005
- U.S. Basic National Fees filed on 02/16/2005
- Priority Documents filed on 02/16/2005
- Specification filed on 02/16/2005
- Claims filed on 02/16/2005
- Abstracts filed on 02/16/2005
- Drawings filed on 02/16/2005

2005 OCT -7 A 11:38

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**BEST AVAILABLE COPY**

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,886	PCT/EP03/09151	B45319

FORM PCT/DO/EO/905 (371 Formalities Notice)